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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Norman Oswaldo RIVERA-Gallegos

Defendant.

Magistrate Case No.

08 MAR 07 53:10

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

CP DEPUTY

Title 8, U.S.C., Section 1324(a)(2)(B)(ii)-
Bringing in Aliens for Financial Gain

The undersigned complainant being duly sworn states:

Count I

On or about **March 7, 2008**, within the Southern District of California, defendant **Norman Oswaldo RIVERA-Gallegos**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Milagros GALLO-Sandoval and Rosa MARTINEZ-Gutierrez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **March 7, 2008**, within the Southern District of California, defendant **Norman Oswaldo RIVERA-Gallegos**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jesus FLORES-Larios, Milagros GALLO-Sandoval and Rosa MARTINEZ-Gutierrez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10TH DAY OF
MARCH, 2008.

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Eric M. Velazquez, declare under penalty of perjury the following to be true and correct:

The complainant states that **Jesus FLORES-Larios, Milagros GALLO-Sandoval and Rosa MARTINEZ-Gutierrez** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial thereof by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On 03/07/08 at about 2222 hours, Norman Oswaldo RIVERA-Gallegos (Defendant) applied for entry into the United States from Mexico through the San Ysidro Port of Entry. Defendant was the driver of a silver 1990 Plymouth Voyager. Defendant presented a U.S. Department of State Border Crossing Card bearing the name Jose Alejandro Barillas Reyes as proof of admissibility. Accompanying Defendant was Jesus FLORES-Larios. Defendant presented a U.S. Department of State Border Crossing Card bearing the name Ismael Gutierrez on behalf of Jesus FLORES-Larios. Defendant gave a negative Customs declaration to a Customs and Border Protection (CBP) Officer. The CBP Officer received a computer generated referral for the vehicle. Defendant's hand appeared to be shaking as he handed the entry documents to the CBP Officer. Defendant claimed ownership of the vehicle, but failed to provide documentation to support his claim. The CBP Officer noticed that Defendant appeared to be unfamiliar with the vehicle. The CBP Officer illuminated the cargo area of the vehicle with his flashlight and noticed what appeared to be individuals concealed under a black cloth. The CBP Officer requested assistance and CBP Officers from the Anti Terrorism Contraband Enforcement Team (ATCET) responded. ATCET Officers took custody of Defendant, Jesus FLORES-Larios, and the vehicle.

In secondary it was determined that Defendant and Jesus FLORES-Larios are citizens of Mexico with no documents to enter or reside in the United States. CBP Officers removed a total of eleven individuals concealed in the cargo area of the vehicle. The eleven individuals admitted being citizens of Mexico with no documents to enter or reside in the United States.

The Material Witnesses (MW) in the case are as follows: **Jesus FLORES-Larios (MW1), Milagros GALLO-Sandoval (MW2) and Rosa MARTINEZ-Gutierrez (MW3).**

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he was going to Chula Vista, California to seek employment. Defendant stated he was originally going to be charged \$2,000.00 (USD) to be smuggled into the United States. Defendant admitted he was to have the smuggling fee waived if he agreed to drive the vehicle across the border. Defendant admitted knowing at least four to five undocumented aliens were concealed in the vehicle. Defendant admitted he was to deliver the vehicle to Palomar Street in Chula Vista. Defendant admitted he claimed ownership of the vehicle to facilitate the smuggling act. Defendant admitted knowing alien smuggling is against the law. Defendant admitted knowing that presenting documents not lawfully issued to him is against the law.

Continuation of Probable Cause Statement
United States vs. Norman Oswaldo RIVERA-Gallegos

During separate videotaped interviews, all Material Witnesses admitted being citizens of Mexico with no documents to enter or reside in the United States. MW1 and MW2 stated they were going to Los Angeles, California to seek employment. MW1 and MW2 stated they were to pay \$1,000.00 to \$3,500.00 (USD) to be smuggled into the United States. MW3 stated she was going to Stockton, California but did not know how much she was going to be charged to be smuggled into the United States.

EXECUTED ON THIS 8TH DAY OF MARCH 2008 AT 10:00 AM.


Eric M. Velazquez / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on **March 07, 2008** in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

3/8/08-1253
DATE / TIME